

Response to Amendment

1. The reply filed on May 14, 2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):
2. The election of species set forth for Group IV, on page 5 of the Lack of Unity, listed 95 species

Group IV claims a plurality of species

(species 1-14, claim 17 or 21) recA inactivation or a combination of recA inactivation

together with spoIV^A, spoIV^B, spoIV^C, spoIV^B, spoIV^F, spoIV^B, yqfD, homologs of the
listed genes, or

(species 15-95 claim 23) recA inactivated together with the combination of spoIV^A,
spoIV^B, spoIV^C, spoIV^B, spoIV^F, yqfD, spoIV or homologs of the listed genes
and additionally together with SEQ ID NO 3, 5, 7, 9, 11, 13, 15, 17 or parts thereof.

these species include:

- ❖ RecA inactivation
- ❖ RecA inactivation together with spoIV^A
- ❖ RecA inactivation together with spoIV^B
- ❖ RecA inactivation together with spoIV^C
- ❖ RecA inactivation together with spoIV^B
- ❖ RecA inactivation together with spoIV^F
- ❖ RecA inactivation together with yqfD
- ❖ RecA inactivation together with spoIV^A homolog
- ❖ RecA inactivation together with spoIV^B homolog

- ❖ RecA inactivation together with sopIVCA homolog
- ❖ RecA inactivation together with spoIVCB homolog
- ❖ RecA inactivation together with spoIVFA homolog
- ❖ RecA inactivation together with sopIVFB homolog.
- ❖ As well as the additional 80+ species recited in claim 23.

While Applicant did elect Group IV, no species election was made. Please elect a starting point for the examiner by choosing one of the species listed above that appears in either claim 17 or 21 or 23. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GINNY PORTNER whose telephone number is (571)272-0862. The examiner can normally be reached on flextime, but usually M-F, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Mondesi can be reached on 571-272-0956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert B Mondesi/
Supervisory Patent Examiner,
Art Unit 1645

/Ginny Portner/
Examiner, Art Unit 1645
July 30, 2009